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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. Of: DEUTSCH

Serial No.: 10/804,871

Filed: March 19, 2004

For: INK JET IMAGING OF A LITHOGRAPHIC PRINTING PLATE

DOCKET: PISCES 02.03

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE OF DECISION REFUSING STATUS UNDER 37 CFR 1.47(b)

Dear Sir:

In response to the Decision Refusing Status, enclosed please find the following:

(1) Fresh Declaration executed by the president of the signing company on behalf of the non-signing inventor; and

(2) Supplemental Statement and Petition Under 37 CFR 1.47(a).

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 08-1391.

Respectfully submitted,

Norman P. Soloway
Attorney for Applicants
Reg. No. 24,315

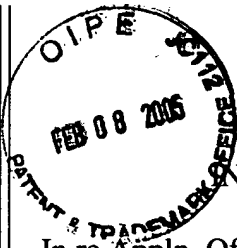
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 1, 2005, at Tucson, Arizona.

By

HAYES SOLOWAY P.C.
130 W. CUSHING STREET
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567



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SUPPLEMENTAL STATEMENT AND PETITION UNDER 37 CFR 1.47(a)

Dear Sir:

I, Philip Burke, of the City of Lutz, Florida, state as follows:

I am the President of MaxRyan Enterprises, Inc., a Florida Corporation having its principal place of business at 16011 N. Nebraska Avenue, Suite 102, Lutz, Florida 33549 (hereinafter "My Company"). MaxRyan Enterprises, Inc. is the successor by change of name to JetPlate Corporation, formerly of 34 Franklin Street, Nashua, New Hampshire (hereinafter "JETPLATE").

My Company purchased all of the assets of PISCES-PRINT IMAGING SCIENCES, INC. (hereinafter "PISCES") in bankruptcy including specifically U.S. Provisional Patent Application Serial No. 60/455,836, filed March 19, 2003 (hereinafter the '836 provisional application).

The subject application is a U.S. National Utility Patent Application based on Provisional Application Serial No. 60/455,836, and claims benefit of the filing date of the '836 Provisional Application.

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FAX. 603.668.8567

The subject matter of the '836 provisional application and the current application were conceived by Albert S. Deutsch of 825B Heritage Hills, Somers, NY (hereinafter "Mr. Deutsch") while he was employed by PISCES.

I several times have contacted Mr. Deutsch and requested that he sign an Assignment and a Declaration and Power of Attorney for the subject application. While Mr. Deutsch has executed and returned an assignment of the application to JETPLATE (copy enclosed as Exhibit A), he has refused to execute a Declaration and Power of Attorney despite his obligation to do so both under his earlier conditions of employment and by the conditions of the Assignment (Exhibit A) which he did sign. Mr. Deutsch has since indicated to me that he would not sign the Declaration without additional (unspecified) payment. Since Mr. Deutsch has already received all compensation he was entitled to, I have refused his request for additional payment.

Statement Under MPEP 409.03(g)

My company will suffer irreparable damages if a filing date is not granted. The priority date will be lost, and statutory bar created against subsequent filing of the Application. Also, the non-signing inventor, Mr. Deutsch has joined a competing company. Thus, it is important to obtain a patent to prevent Mr. Deutsch and his employer from using technology developed while Mr. Deutsch was employed by PISCES.

I therefore respectfully request that the subject application be allowed to proceed without the signature of Mr. Deutsch.

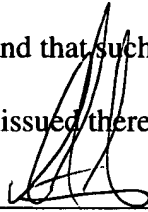
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

HAYES SOLOWAY P.C.
130 W. CUSHING STREET
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

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statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature: _____



Date: _____

20th Jan. 2005

Philip Burke, President
MaxRyan Enterprises, Inc.

WITNESS: _____

VICKIE GARRISON

Date: _____

01-20-05

Printed Name:

HAYES SOLOWAY P.C.
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TUCSON, AZ 85701
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FAX. 603.668.8567

EXHIBIT A

Copy of Assignment signed by inventor Albert Deutsch

ASSIGNMENT

I, **ALBERT S. DEUTSCH** of 825B Heritage Hills, Somers, New York 10589 of the United States of America, having invented certain inventions and improvements in **INK JET IMAGING OF A LITHOGRAPHIC PRINTING PLATE**, and having executed an application for Letters Patent of the United States of America describing the same and based thereon on the _____ day of _____, 2004; (and I hereby authorize my attorney(s), authorized to prosecute said application, to here insert the filing date and serial number of said application, when known, Serial No. 10/804,871, filed March 19, 2004), for good and valuable consideration, the receipt of which is hereby acknowledged from **JETPLATE CORPORATION**, a New Hampshire corporation having its principal place of business at 34 Franklin Street, Nashua, New Hampshire 03064, U.S.A., (hereinafter called the Assignee), do hereby sell, assign and transfer unto the Assignee, its successors, and assigns my entire right, title, and interest, in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto, in and to and under said application and the inventions and any of them therein set forth and described, and any and all patents and like rights of exclusion (including extensions thereof) of any country which may be granted on or for said inventions or any of them or any part thereof or on said application or any divisional, continuing, reissue, or other patent application based thereon;

And for the same consideration I do also hereby sell, assign, and transfer unto the Assignee, its successors, and assigns all my rights under the International Convention for the Protection of Industrial Property and all other treaties of like purpose in respect of said inventions and any of them and all parts thereof and said application, and I do hereby authorize the Assignee, its successors, and assigns to apply in my name or its or their own name or names for patents and like rights of exclusion on or for said inventions or any of them or any part thereof in all countries claiming if it or they so desire the priority of the filing date of said application under the provisions of said Convention or any such other treaty;

And for the same consideration, I do hereby agree for myself and for my heirs, executors, and administrators, promptly upon request of the Assignee, its successors, or assigns, to execute and deliver without further compensation any power of attorney, assignment, original, divisional, continuing, reissue or other application or applications for patent or patents or like rights of

exclusion of any country, or other lawful documents and any further assurances that may be deemed necessary or desirable by the Assignee, its successors, or assigns fully to secure to it or them said right, title, and interest as aforesaid in and to said inventions and any of them and all parts thereof and in and to and under said several patents and like rights of exclusion (including extensions thereof) or any of them, all, however, at the expense of the Assignee, its successors, or assigns;

And I do hereby authorize and request the Commissioner of Patents and Trademarks of the United States of America and the corresponding Officer of each country foreign thereto to issue to the Assignee, its successors, or assigns, any and all patents and like rights of exclusion which may be granted in any country upon said United States application or other applications or any of them or on or for said inventions or any of them or any part thereof; and I do hereby covenant for myself and my legal representatives and agree with the Assignee, its successors, and assigns that I have granted no right or license to make, use, or sell said inventions or any of them or any part thereof to anyone except the Assignee, that prior to the execution of this deed my right, title, and interest in and to said inventions or any of them or any part thereof has not been otherwise encumbered by us, and that I have not executed and will not execute any instrument in conflict herewith.

IN WITNESS WHEREOF, I hereunto set my hand and seal on the day and year hereinafter noted.

7/15/04 Albert S. Deutsch
Date ALBERT S. DEUTSCH

UNITED STATES OF AMERICA)
STATE OF New Hampshire) ss:
COUNTY OF Hillsborough)

On this 15th day of July, 2004 Albert S. Deutsch personally appeared before me, a Notary Public in and for the above-mentioned county, to me known, and known to me to be the individual described in and who executed the foregoing document, and he duly acknowledged to me that he executed same for the uses and purposes therein expressed.

(SEAL)

Janet M. Whisler
Notary Public



DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Attorney Docket No: PISCES 02.03

First Named Inventor: DEUTSCH

Complete if known:

Serial No: 10/804,871 Filing Date: March 19, 2004

Group Art Unit: _____ Examiner: _____

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **INK JET IMAGING OF A LITHOGRAPHIC PRINTING PLATE**, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, S. 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

<u>Prior Foreign Application(s):</u>			<u>Priority Claimed</u>	<u>Certified Copy Attached</u>
			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Month/Day/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Month/Day/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

Application No:
60/455,836

Filing Date:
March 19, 2003

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

10/774,119	February 6, 2004	
10/057,152	October 25, 2001	6,691,618
09/941,304	August 29, 2001	
09/941,323	August 29, 2001	6,523,471
09/566,455	May 8, 2000	6,315,916
US Parent Application No. or PCT Parent Appln. No.	Parent Filing Date	Parent Patent Number (if applicable)

And I hereby appoint HAYES SOLOWAY P.C., a firm composed of Oliver W. Hayes, Reg. No. 15,867; Peter A. Nieves, Reg. No. 48,173; Andrew R. Martin, Reg. No. 45,413, or any of them, of 175 Canal Street, Manchester, New Hampshire 03101 (Telephone: 603-668-1400); or Norman P. Soloway, Reg. No. 24,315; Ashley L. Kirk, Reg. No. 51,261; or Walter P. Opaska, Reg. No. 54,349, or any of them, of 130 W. Cushing Street, Tucson, Arizona 85701 (Telephone: 520-882-7623) my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent Office connected therewith.

Please direct all future correspondence in connection with this application to the attention of **Norman P. Soloway**, HAYES SOLOWAY P.C., 130 W. Cushing Street, Tucson, Arizona 85701 (Telephone: 520-882-7623).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: **Albert S. Deutsch**

Signed on behalf of Albert S. Deutsch by Philip Burke, a British citizen; and President, MaxRyan Enterprises, Inc., 16011 N. Nebraska Avenue, Suite 102, Lutz, Florida 33549

First Inventor's signature

Philip Burke, for Albert S. Deutsch

Date 20th Jan. 2005

Inventor's Residence: 825B Heritage Hills, Somers, New York 10589

Inventor's Citizenship: United States of America

Post Office Address: Same as Residence

IMPORTANT NOTICE RE DUTY OF CANDOR AND GOOD FAITH

The Duty of Disclosure requirements of Section 1.56(a), of Title 37 of the Code of Federal Regulations are as follows:

A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

By virtue of this regulation each inventor executing the Declaration for the filing of a Patent Application acknowledges his duty to disclose information of which he is aware and which may be material to the examination of the application.

Inherent in this is the duty to disclose any knowledge or belief that the invention:

- (a) was ever known or used in the United States of America before his invention thereof;
- (b) was patented or described in any printed publication in any country before his invention thereof or more than one year prior to the actual filing date of the U.S. patent application;
- (c) was in public use or on sale in the United States of America more than one year prior to the actual filing date of the U.S. patent application; or
- (d) has been patented or made the subject of inventor's certificate issued before the actual filing date of the U.S. patent application in any country foreign to the United States of America on an application filed by him or his legal representatives or assigns more than twelve months before the actual filing date in the United States.

NOTE: The "Information" concerned includes, but is not limited to, all published applications and patents, including applicant's and assignee's own, U.S. or foreign applications and patents, as well as any other pertinent prior art known, or which becomes known, to the inventor or his representatives. Where English language equivalents of foreign language documents are known, they should be identified and, when possible, copies supplied. Failure to comply with this requirement may result in a patent issued on the application being held invalid even if the known prior art which is not supplied is material to only one claim of that patent.